

**DELEGATION OF AUTHORITY
SAFE DRINKING WATER ACT (SDWA)**

Administrative Penalty Under Part B (Public Water Systems (PWS)):
Agency Representation in the Hearings, Negotiating and Signing of
Consent Agreements and Appeals

1. AUTHORITY.

- a. To represent EPA in civil penalty adjudications conducted under the penalty section of Part B of the SDWA and 5 U.S.C. Section 554.
- b. To negotiate consent agreements between the Agency and respondents resulting from an enforcement action.
- c. To sign consent agreements.
- d. To initiate appeals from administrative determinations.
- e. To represent the Agency in such appeals.

2. TO WHOM DELEGATED.

- a. To the Director, Office of Compliance and Enforcement, or equivalent.
- b. Through the Regional Counsel, or equivalent, to attorneys in the Office of Regional Counsel, or equivalent.

3. LIMITATIONS.

- a. Delegates may exercise the above authorities only for those cases which were initiated by the Region.
- b. Delegates must obtain concurrence from the Assistant Administrator for Enforcement or designee before initiating an appeal.
- c. Delegates shall consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee any time they do not recommend an appeal of an adverse decision.

4. **REDELEGATION AUTHORITY.**

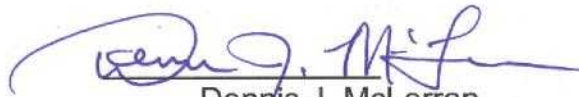
- a. This authority may be redelegated.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelgated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **SUPERSESSSION.** This delegation supersedes R10 9-33-B (10/28/2004) and any other delegation of this same authority.

6. **ADDITIONAL REFERENCES.**

- a. Section 1414(g)(1) and (3) of the SDWA.
- b. Section 1445 of the SDWA.
- c. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- d. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.
- e. 40 C.F.R. Part 22.
- f. Delegation 9-33-B (05/11/1994, Administrative Update 02/04/2016).

11/15/16
Date


Dennis J. McLerran
Regional Administrator